

**House Finance, Ways and Means Committee Amendment No. 1**

**Amendment No. 2 to HB1494**

**Kisber**  
**Signature of Sponsor**

**AMEND Senate Bill No. 1763**

**House Bill No. 1494\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all the amendatory language in Section 1 and replacing it with the following:

Section 55-10-209 (a). A pilot project to determine the usefulness and effectiveness of automation assisted traffic law enforcement is authorized for the City of Germantown, Tennessee. The City of Germantown may use automation to assist in enforcing ordinances regulating stopping at railroad crossings and at street or road intersections with automated signals as authorized in this section.

(b) As used in this section, "automated enforcement system" means any system using camera or video devices that photographically records a driver's responses to a rail crossing signal or crossing gate, or both, or to an official traffic control signal and that automatically produces a photograph or tape of the vehicle, along with the date, time of day, and location of the violation printed on the photograph or tape.

(c)

(1) Automated enforcement systems may be used:

(A) At railroad crossings; and

(B) At street or road intersections with automated signals.

(2) The restrictions under subdivision (1) do not apply when information gathered is used to issue warning citations not involving a fine, court appearance, or a person's driving record.

(d) Before an automated enforcement system may be used for traffic enforcement, it must be certified by the manufacturer as calibrated to produce accurate results and correctly installed.

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(e) Photographs or tapes by an automated enforcement system must be of the vehicle's license plate and must be of sufficient quality to identify the vehicle's registration number.

(f) Photographs or tapes produced by an automated enforcement system shall be accepted as prima facie evidence of the alleged traffic ordinance violation in any court or legal proceeding when a representative of the appropriate law enforcement agency, the contractor who activated the equipment, or other credible witness testifies as to the placement and accuracy of the equipment and the accuracy of the scene depicted.

(g) In the prosecution of a traffic ordinance violation using evidence produced by an automated enforcement system, proof that the vehicle described in the citation was used in the violation, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, creates a rebuttable presumption that the registered owner of the vehicle was the person who committed the ordinance violation. This rebuttable presumption does not apply when the registered owner of the vehicle is a rental or leasing company. When a rental or leasing company is informed of the citation, the company shall inform the appropriate law enforcement agency of the identity of the lessee.

(h) Ordinance citations based upon evidence produced by an automated enforcement system may be executed by mailing a copy of the citation by first-class mail to the address of the owner of the vehicle as shown in the records of the department of safety. If the cited person fails to appear on the date set, the citation shall be executed

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as any other traffic ordinance citation. No contempt or arrest proceedings may be initiated for failure to appear as ordered in a citation mailed as authorized in this subsection. If a person fails to appear as ordered in a citation mailed pursuant to this subsection, no abstract shall be prepared and forwarded to the department of safety as provided in Tennessee Code Annotated, Section 55-10-306, nor shall the department have the authority to suspend the driver license of such person failing to appear as provided in Tennessee Code Annotated, Section 55-50-502(a)(9).

(i) The governmental entity holding photographic or taped evidence produced by an automated system shall dispose of the photograph or tape after the outcome of the case has been finally determined.

(j) An automated enforcement system may not be used by municipalities in the pilot project to enforce state traffic law violations.

SECTION 2. The City of Germantown shall report to the Senate and House of Representatives Judiciary Committees by January 1, 2002, on results of the use of automated enforcement systems. The report shall include statistics indicating any increase in safety to the public and to police officers produced by the system's use.

SECTION 3. Before an automated enforcement system may be used for traffic enforcement, the appropriate law enforcement agency shall implement a public awareness education program to inform the public of the automated enforcement system. The education program shall last for at least six (6) months and shall include, but not be limited to:

(1) The issuance of warning citations that do not involve a fine, court appearance, or a person's driving record;

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(2) The publication of weekly notices detailing the location of the automated enforcement system in a newspaper of general circulation. Such notices shall be no less than five inches (5") in width and five inches (5") in length and shall be issued for at least four (4) consecutive weeks before the conclusion of the education program and actual use of the automated enforcement system for traffic enforcement; and

(3) The proper placement of traffic signs that provide notice to drivers of the automated enforcement system, which traffic signs shall be continuously used and maintained for as long as the automated enforcement system is in operation.

SECTION 4. Notwithstanding any provision of law to the contrary, the fines, court costs and any other fees imposed by any governmental entity as a result of a traffic violation detected by an automated enforcement system shall not exceed an aggregate sum of one hundred dollars (\$100).

SECTION 5. The pilot project created by this act shall terminate on July 1, 2002.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.